

FWP COMMISSION AGENDA ITEM COVER SHEET

Meeting Date: April 14, 2011

Agenda Item: Re-establish closure of the Clark Fork and Blackfoot Rivers near former the Milltown Dam site.

Division: Parks

Action Needed:

 X **Approval of Tentative Rule**

 Approval of Final Rule/Action

 Endorse Course of Action

 None - information only

Time Needed on Agenda for this Presentation: 15 min _____

Background

Construction on the cleanup and restoration of the Clark Fork and Blackfoot Rivers associated with the Milltown Dam Superfund site began in the summer of 2006. At that time, FWP received the Commission's authorization to close short stretches of the two rivers until June 1, 2011. The purpose was to increase public safety from potentially rapid changes in water levels, exposed and unstable debris and sediments, construction activities, and to protect cleanup and restoration efforts. FWP proposes to extend the closure until such time as conditions warrant re-opening of the affected rivers and rescinding the closure.

Cleanup and restoration work has proceeded in timely fashion, but much remains to be done. The Natural Resource Damage Program's restoration work along the lower Blackfoot River and former powerhouse area is scheduled for the summer of 2011. Although work along the Clark Fork is largely complete, areas planted with native vegetation in 2010 are still in a fragile stage of growth and the extension of the closure would help in their establishment. State Park development (trails and recreational amenities) is likely to begin later in 2011 along the Blackfoot and the Confluence Area, and will continue into the summer of 2012. Other work scheduled includes DNRC's removal of old bridge piers from the Blackfoot River just upstream from the confluence, DEQ's removal of the Stimson cooling pond and restoration of the channel, and the EPA and Army Corps of Engineers bank stabilization work on the I-90 bridges in the summer of 2011. Furthermore, the I-90 bridge piers have been identified as a significant hazard to river recreationists and an appropriate risk management plan/strategy is under discussion within the agency. The closure area is highlighted on the attached map.

Public Involvement Process & Results

EPA, DEQ, NRDP and FWP have held numerous public meetings over the years and have been informing the public about the need to close the rivers to increase safety and reduce liability. FWP informed members of the Milltown Superfund Redevelopment Working Group in March and tentatively has planned a public meeting update on the park project for the spring of 2011.

Alternatives and Analysis

No Action Alternative: Do not extend the closure of the rivers and allow public access to construction sites, potentially dangerous waters and the newly revegetated flood plain.

Agency Recommendation & Rationale

FWP recommends the river closures be extended to protect public safety, construction work and newly planted areas. Closure would be in effect for up to two years or less as conditions warrant re-opening of the affected rivers.

Proposed Motion

Move to re-establish the expired commission rule to extend the closure of the Clark Fork River from about ½ mile below Milltown Dam up to 3 miles upstream as shown on the map. Also, to extend the closure of the Blackfoot River from its mouth to 1½ miles upstream as indicated on the attached map.